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By ECF and Email

Hon. David S. Jones
U.S. Bankruptcy Court for the Southern District of New York
One Bowling Green
New York, NY 10004
jones.chambers@nysb.uscourts.gov

Re: LaMonica v. Tilton et al (In re TransCare Corp.) 18-ap-1021
Debtor and Creditor Law § 276-a Application

Dear Judge Jones:

We represent the plaintiff, Salvatore LaMonica solely in his capacity as Chapter 7 trustee, and write to briefly respond to PPAS's unauthorized notice of supplemental authorities (ECF [#187](#)), to the extent that the Court determines to consider the same.

Neither supplemental authority concerns application of "the single satisfaction rule ... to override a court-ordered payment of fees or award of fees based on the runup of a large interest component against another joint tortfeasor." (11/7/24 Tr. at 21:8-11.)

Win Shields Productions, Inc. v. Greer, 2017 WL 2774443 (Tex. App. June 27, 2017) concerned whether the trial court erred in awarding attorney's fees because judgment creditor's counsel did not segregate time devoted to the contract claim (on which fees were allowed) from time devoted to the fraud claim (on which they were not). *Win Shields* held (at *7) that the claims were not intertwined enough to not be segregated. That is not the case here. (ECF [#184](#) ¶¶14-17.) Further, *Win Shields* held (at *8) that the award of attorney's fees was proper, just that a new trial was needed to determine the appropriate amount.

Kelco Disposal, Inc. v. Browning-Ferris Indus. of Vermont, Inc., 845 F.2d 404, 411 (2d Cir. 1988) held that "[w]here, as here, the prevailing party [in an antitrust action] elects a remedy provided by state law [that is 'far larger' than that under federal law], and thereby foregoes its treble damage award, it should forgo the entire remedy provided by federal law, including attorneys' fees." This likewise does not address the issue at hand.

Respectfully submitted,

/s/ Jeffrey Chubak

cc: counsel of record